

PHILLIP A. TALBERT  
Acting United States Attorney  
W. DEAN CARTER  
Assistant United States Attorney  
501 I Street, Suite 10-100  
Sacramento, CA 95814  
E-mail: dean.carter@usdoj.gov  
Telephone: (916) 554-2781  
Facsimile: (916) 554-2900

Attorneys for Defendant  
UNITED STATES OF AMERICA

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

BRADLEY MEDINA and SVETLANA  
KRIVENCHEVA,

Plaintiffs,

v.

UNITED STATES OF AMERICA and  
COURTNEY L. MAPES, M.D.,

Defendants.

No. 1:21-CV-00844-NONE-EPG

**STIPULATION AND ORDER TO VACATE  
AND RESET SCHEDULING CONFERENCE**

The parties request that the Court vacate the scheduling conference set for November 2, 2021 at 10:00 a.m. and reset to a date after the Court resolves the United States' motion to dismiss. On September 1, 2021, the United States was served with Plaintiffs' complaint. The United States' responsive pleading is therefore due on November 1, 2021. Fed. R. Civ. P. 12(a)(2). Currently, a scheduling conference is set for November 2, 2021. ECF No. 7. However, in lieu of filing an answer, the United States intends to file a motion to dismiss the claims alleged against the United States pursuant to Fed. R. Civ. P. 12(b)(1) for lack of subject-matter jurisdiction. Pursuant to Fed. R. Civ. P. 6(b), good cause exists to vacate the scheduling conference because, if granted, the United States would no longer be a party to this action.

**STIPULATION**

Accordingly, IT IS HEREBY STIPULATED by and between the parties and subject to the Court's approval, that the scheduling conference set for November 2, 2021 at 10:00 a.m. is VACATED and will be reset after the United States' motion to dismiss is resolved by the Court.

Dated: October 26, 2021

PHILLIP A. TALBERT  
Acting United States Attorney

By: /s/ W. Dean Carter  
W. DEAN CARTER  
Assistant United States Attorney

Attorneys for Defendant  
UNITED STATES OF AMERICA

LeBEAU-THELEN, LLP

Dated: October 26, 2021

By: /s/ Amanda M. Lucas (authorized 10.26.21)  
AMANDA M. LUCAS  
DENNIS R. THELEN

Attorneys for Defendant  
COURTNEY L. MAPES, M.D.

MILLER & JAMES, LLP

Dated: October 26, 2021

By: /s/ Patricia I. James (authorized 10.26.21)  
PATRICIA I. JAMES  
DAVID D. MILLER

Attorneys for Plaintiffs  
BRADLEY MEDINA and SVETLANA  
KRIVENCHEVA

**ORDER**

Pursuant to the parties' stipulation (Doc. 9), IT IS HEREBY ORDERED that the scheduling conference currently set for November 2, 2021 before the undersigned is vacated. Within ten days after issuance of a ruling on the United States' motion to dismiss, should the matter go forward, the parties are directed to contact Courtroom Deputy Michelle Rooney (mrooney@caed.uscourts.gov) to reset the scheduling conference.

IT IS SO ORDERED.

Dated: **October 27, 2021**

/s/ Eric P. Gray  
UNITED STATES MAGISTRATE JUDGE